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REMARKS

Claims 1-54 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

L REJECTIONS OF CLAIMS 1-54 UNDER 35 U.S.C. § 103

Claims 1-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of U.S. Patent No. 6,031,841 (Woundy) and U.S. Patent No. 6,510,162 (Fijolek). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

The invention of claims 1, 21, 42, and 54 is directed to mechanism for sniffing data. Specifically, independent claim 1 requires "*copying the received message including at least payload and sending the copied message including at least payload to a memory device.*" Other independent claims 21, 42, and 54 contain recitations similar to those of independent claim 1.

As described at, for example, page 22, lines 21 - page 23, line 14 of the specification, according to a specific exemplary embodiment of the invention, the packet buffer 725a includes a memory which is configured to store packets as the forwarding engine 721a performs its packet forwarding functions. When the received message meets a filtering criteria, the received message including at least payload is copied, and the copied message including at least payload is sent to a memory device (e.g., for sniffing purposes).

The primary reference, the Woundy patent, was cited as describing "copying the received message including at least *payload* and sending the copied message including at least payload to a memory device." Applicants respectfully submit that the Woundy patent does not show the claimed received message which includes at least payload.

In response to the remarks filed on February 3, 2006, the Action now seems to assert that the Woundy patent shows a service ID ("SID," column 3, line 25), and that the SID corresponds to the claimed payload. Applicants respectfully disagree.

In the present application, the cable modem's SID is specified in field 460 (page 16, lines 19-20 of the present specification). As shown in FIG. 4B, the field 460 for the SID is located in the MAC header 450. However, this MAC header 450 is not the claimed *payload* because the header 450 is outside of the payload 456, as illustrated in FIG. 4B of the application. Therefore, an SID cannot be said to correspond to the claimed payload. As such, the Woundy patent fails to teach or suggest the claimed invention. The Fijolek patent has been reviewed and found not to cure the above deficiency of the Woundy patent.

The Examiner's rejections of the dependent claims are respectfully traversed. However to expedite prosecution, all of these claims will not be argued separately. Claims 2-20, 22-41, and 43-53 each depend either directly or indirectly from independent claims 1, 21, and 42 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to independent claims 1, 21, 42, and 54. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,
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